

STATEMENT OF PURPOSE

RS23367

All US States have statutes which allow individuals to delegate substitute decision-making authority. In Idaho, the main examples are financial powers of attorney and medical powers of attorney and mental health powers of attorney. If the person executes the document in Idaho and stays in Idaho, the documents will be recognized. However, in our mobile society, individuals move, travel, and may end up needing the document to be recognized in another jurisdiction. This bill is creating that ability. For financial powers of attorney, Idaho has adopted some of these provisions already in the Statutory Power of Attorney Act, and therefore this bill defers to those existing provisions. In the medical power of attorney, on the other hand, there are very limited provisions for recognition of documents from other jurisdictions. This creates great problems for individuals and medical providers when treatment is needed but the authorizing document is from another jurisdiction. This bill defers to the limited existing provisions in Idaho law, but adds major provisions. This bill protects good faith acceptance or rejection of the document. It also provides limits on what the entity or person to whom the document is presented can request, using the same limits as the existing Idaho Statutory Power of Attorney Act. This bill will allow individuals to have control over their financial and medical decisions and their choices of who can act when the individual cannot act.

FISCAL NOTE

This bill will have no fiscal impact.

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